

**IN THE MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

COMPLETE TITLE OF CASE

GWENDOLYN GILL CARANCHINI,

Appellant,

v.

MISSOURI BOARD OF LAW EXAMINERS,

Respondent.

DOCKET NUMBER WD77178

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

DATE: November 12, 2014

APPEAL FROM

The Circuit Court of Jackson County, Missouri
The Honorable Robert M. Schieber, Judge

JUDGES

Division Three: Mitchell, P.J., and Newton and Witt, JJ.

CONCURRING.

ATTORNEYS

Gwen G. Caranchini
Kansas City, MO

Appellant, *pro se*,

Chris Koster, Attorney General
Edwin R. Frownfelter, Assistant Attorney General
Kansas City, MO

Attorneys for Respondent.



MISSOURI APPELLATE COURT OPINION SUMMARY MISSOURI COURT OF APPEALS, WESTERN DISTRICT

GWENDOLYN GILL CARANCHINI,)
)
Appellant,)
v.)
)
MISSOURI BOARD OF LAW)
EXAMINERS,)
)
Respondent.)

**OPINION FILED:
November 12, 2014**

WD77178

Jackson County

Before Division Three Judges: Karen King Mitchell, Presiding Judge, and Thomas H. Newton and Gary D. Witt, Judges

Gwendolyn Caranchini appeals the trial court's dismissal of her lawsuit brought under Article V, section 18 of the Missouri Constitution, challenging her failure to pass the Missouri Bar Exam. Caranchini alleges that the Board of Law Examiners acted arbitrarily and capriciously in developing the essay portion of the examination and in scoring her essay responses, as well as in not providing her with the opportunity for review and re-grading of her exam. Because the Board's action is not subject to review under Article V, section 18, and because the relief she requests is improper, the Court affirms.

AFFIRMED.

Division Three holds:

1. In order to invoke Article V, section 18's right to judicial review, a party must allege that the challenged action was not "authorized by law" or in cases in which a hearing is required by law, the same was not "supported by competent and substantial evidence upon the whole record." If such a challenge is made, the party claiming the right of judicial review under Article V, section 18 must then demonstrate that the action challenged: (1) was undertaken by an "administrative officer or body under constitution or by law"; (2) was judicial or quasi-judicial in nature; and (3) affected private rights.

2. Caranchini did not allege that the Board should have held an administrative hearing, nor did she allege that the Board's actions are not "authorized by law." She also failed to challenge the constitutionality of the Board's rule declaring that no re-grading or re-scoring of an exam is allowed. The Board also has authority to create and score the exam. Accordingly, the Board's actions are all authorized by law.
3. Because the Board is under the control of the Supreme Court, the Board is not an "administrative" body as contemplated by the constitutional provision. Review is not available under this provision.
4. Review is also not available because the Board is not acting in a judicial or quasi-judicial capacity in that nothing about grading or scoring an exam is judicial or quasi-judicial in character.
5. The remedy Caranchini requests—the re-scoring of a bar exam by the judiciary—has never been granted by a court and would be an improper micromanagement of the duties properly belonging to the Board.
6. Caranchini's other requested relief, the creation of a wholly new system for admitting practicing attorneys who have been unable to pass the exam, is arbitrary and would add confusion to the process of licensing attorneys.

Opinion by: Karen King Mitchell, Presiding Judge

November 12, 2014

* * * * *

THIS SUMMARY IS **UNOFFICIAL** AND SHOULD NOT BE QUOTED OR CITED.